

**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

MA & UD DEPT - Visakhapatnam Urban Development Authority -  
Regularization of services of 3 NMRs working in Visakhapatnam Urban  
Development Authority - Orders - Issued.

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**MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (B1)DEPARTMENT**

**G.O.Rt.No. 1184**

**Dated:25-07-2013.**

**Read the following:-**

- 1) GO.Ms.No.212, Finance (PC.III) Department, dated:22-04-1994.
- 2) From the Vice Chairman, Visakhapatnam Urban Development Authority, Visakhapatnam Letter Rc.No.1696/78/A3, dated:11-01-20-11, 16-04-2011, 20-09-2011,11-01-2013, 11-02-2013, 23-04-2013, 14-05-2013.
- 3) Orders of the Hon'ble A.P.Administrative Tribunal dated:12-12-2012 in OA.No.9764/2012.
- 4) From the Registrar, Institution of A.P. Lokayuktha, Basheer Bagh, Hyderabad LR DIS. No.698/2012/B1/ LOK/ 4995/2012, dated:15-11-2012 & 10-05-2012.

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**ORDER:**

In the letter 2<sup>nd</sup> read above, the Vice Chairman, Visakhapatnam Urban Development Authority, Visakhapatnam while sending the proposals along with check-lists, in respect of 21 NMRs working in Visakhapatnam Urban Development Authority, have stated that have already completed 5 Years or more eligible service as on the cutoff date i.e., 25-11-1993 as per GO.Ms.No.212, Finance (PC.III) Department, dated:22-04-1994. Further, these 21 NMRS have been representing time and again for regularization of their services on the ground that they attained eligibility of 5 Years and more service as on 25.11.1993 and are continuing as NMRs in VUDA with 22 or more Years of service. Due to ban on recruitment of NMRs beyond 25-11-1993 and to the depleted strength of the organization owing to retirements and deaths, the VUDA is experiencing a lot of inconvenience in the administration and it has become inevitable to continue the existing NMRs and their services are being utilized in the areas as per their eligibility.

2) The VC, VUDA has further stated that earlier, Government have issued orders in G.O.Ms.No.457, MA, dated:09-10-2002 and accorded concurrence to the regularization of the services of 93 NMRs who have completed 5 Years or more service then, by extending the monetary benefits on par with regular employees of VUDA irrespective of vacancies and reservations by giving time scales of pay as last grade servants. Further stated that among the 22 NMRs, 11 NMRS were involved in the industrial disputes raised against the VUDA for retrenchment of their services during the Year 1989. They filed individual industrial dispute petitions before the Hon'ble Industrial Tribunal-cum-Labour Court at Visakhapatnam and the said Hon'ble Tribunal passed individual awards during the Year 1998, ordering reinstatement with continuation of the service and full back wages. The VUDA filed individual Writ Petitions in the Hon'ble High Court of A.P., during the Year 1999 against the awards of Industrial Tribunal-cum-Labour Court, which were dismissed by the High Court on 31.07.2002. Aggrieved by the above orders of the Hon'ble High Court, the VUDA filed Writ Appeals before the Division Bench of the Hon'ble High Court, which passed an interim direction to pay 52 % of back wages as ordered by the Labour Court to the NMR workmen. Accordingly, 50% of back wages in respect of the above 11 NMRs were deposited in Labour Court. Finally, the Division Bench of Hon'ble Court in

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the above Writ Appeals filed by the VUDA, passed order of dismissing the appeals. Aggrieved at the above order of the division bench of the Hon'ble High Court, VUDA preferred a Special Leave Petition before the Hon'ble Supreme Court, which passed order on 16.04.2004 granting interim stay of back wages. The Hon'ble Supreme Court initially granted stay of the above NMRs for a period of 4 weeks for reinstatement vide its order dated:12-07-2004 and there after declined to grant extension of stay with respect to reinstatement of these NMRs. As such, the VUDA had reinstated the above NMRs into service on 05-01-2005 and given benefit of continuity of service from the date of retrenchment to the date of their reinstatement on 05-01-2005. The Hon'ble Supreme Court of India finally gave a verdict on 17-07-2009 in Civil Appeal. No.3702/06 in favour of the G.O.Ms.No.212, dt:22-04-1994 and ordered that the said G.O. should be scrupulously followed in considering the regularization of the NMRs within the stipulated time of 4 months from the receipt of the judgment copy without being influenced by the fact that the application, W.P. or Appeal filed by any such employee may have been dismissed by the Tribunal or High Court or Supreme Court.

3) In the reference 3<sup>rd</sup> read above, the Hon'ble A.P.Administrative Tribunal in its order dated:12-12-2012 in OA.No.9764/2012 filed by N.Ramana and 2 others directed the respondents to consider the case of the applicants for regularization as per the provisions contained in GO.Ms.No.212, dated:22-04-1994, if they are eligible and as per rules, within period of six weeks from the date of receipt of a copy of the order.

4) In the reference 4<sup>th</sup> read above, the Hon'ble Lokayuktha, Hyderabad on the complaint No.698/2012/B11 filed by Sri G.Nooka Raju, NMR, VUDA has directed the Government to act expeditiously and take decision as early as possible for regularizing the services of NMRs as per GO.Ms.No.212, dated:22-04-1994 and submit a detailed report by 26-04-2013. Further extended the time up to 05-08-2013 for submission of detailed report.

5) The VC, VUDA, Visakhapatnam vide his letter dated:14-05-2013 has stated that out of the 21 NMRs whose service is proposed for regularization only (3) NMRs are eligible to be accommodated in the available 3 regular posts as Junior Assistant, Surveyor-cum-Draughtsman and Driver and remaining 18 NMRs out of 21 are eligible only for the posts of Attender/ Chainmen as per their qualifications. At present, there are no vacancies available in the cadre of Chainman/Attenders has requested the Government to for creation of supernumerary posts for remaining 18 NMRs in the cadre of Last Grade Servants, as was done by the Government earlier vide G.O.Ms.No:457, MA, dt:09-10-2002, regularizing the services of NMRs as Last Grade Servants.

6) Government, after careful examination of the matter, hereby regularize the services of (3) individuals ie., i) Sri A.Atchi Babu, ii) Sri K.Manmada Rao and iii) Sri N.Appala Raju, against the recommended posts of Jr. Assistant, Surveyor-cum-Draughtsman and Driver respectively in terms of GO.Ms.No.212, Finance (PC.III) Department, dated:22-04-1994, from the prospective date as per Memo No.573/225/A3/PC.III/97, dated:01-09-1997 ie., date of issue of orders by competent appointing authority, subject to condition that the said vacancies are clear, regular and continued from time to time and no senior eligible person is overlooked/omitted.

7) The Vice Chairman, Visakhapatnam Urban Development Authority, Visakhapatnam shall take necessary action accordingly.

8) This order issues with the concurrence of Finance (PC.III) Department, vide their U.O.No.14609/127/A1/PC-III/2013, dated:10-07-2013.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**Dr.S.K.JOSHI  
PRINCIPAL SECRETARY TO GOVERNMENT (UD)**

To  
The Vice Chairman,  
Visakhapatnam Development Authority, Visakhapatnam.  
The Individuals concerned -- through: Vice Chairman, Visakhapatnam Development Authority, Visakhapatnam.

**COPY TO:-**

The Govt. Pleader for MA & UD (S),  
A.P.Administrative Tribunal, Hyderabad.  
OSD to Hon'ble M(MA).  
PS to Prl. Secretary to Government (UD), MA & UD Dept.  
PA to Spl. Secretary (P), MA & UD Dept.  
The Finance (PC.III) Department.  
SC/SF.

**//FORWARDED :: BY:: ORDER//**

**SECTION OFFICER**